Unofficial Copy L2 2000 Regular Session 0lr2960

By: Charles County Delegation

Introduced and read first time: February 21, 2000 Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 Charles County - Public Nuisance - Improved Residential Property

- 3 FOR the purpose of altering provisions of law concerning public nuisances in Charles
- 4 County to include certain building disrepair on an improved residential
- 5 property; altering provisions of law ordering a property owner to fix a certain
- 6 public nuisance to include an order to correct the certain building disrepair;
- 7 defining a certain term; providing for the application of this Act; and generally
- 8 relating to public nuisances on improved residential property in Charles County.
- 9 BY repealing and reenacting, with amendments,
- 10 The Public Local Laws of Charles County
- 11 Section 85-1 through 85-6
- 12 Article 9 Public Local Laws of Maryland
- 13 (1994 Edition and June 1998 Supplement, as amended)
- 14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 15 MARYLAND, That the Laws of Maryland read as follows:
- 16 Article 9 Charles County

17 85-1.

- 18 A. In this chapter the following words have the meanings indicated.
- 19 B. "IMPROVED RESIDENTIAL PROPERTY" MEANS A LOT OR LOTS CONTAINING
- 20 ONE OR MORE RESIDENTIAL DWELLING UNITS SITUATED WITHIN THE COUNTY'S
- 21 DEVELOPMENT DISTRICT AS DESIGNATED IN THE CHARLES COUNTY
- 22 COMPREHENSIVE PLAN.
- 23 [B.] C. "Landowners' association" means:
- 24 (1) A nonprofit association, corporation, or other organization that is:
- 25 (I) Comprised of at least two landowners or homeowners in an
- 26 election district within which a nuisance is located;

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1 2	general neighborhood		(II) improve	Operated exclusively for the promotion of social welfare and ement and enhancement; and		
3	Revenue code; or		(III)	Exempt from taxation under § 501(c)(3) or (4) of the internal		
5		(2)	A nonpr	ofit assoc	ciation, corporation, or other organization that is:	
8	6 (I) Comprised of at least two landowners or homeowners in a 7 contiguous community that is defined by specific geographic boundaries and a 8 substantial portion of which is within an election district within which a nuisance is 9 located; and					
10 11	enhancemen	(II) Operated for the promotion of the welfare, improvement and community.				
12	[C.]	D.	"Owner'	' means t	he person vested with legal title to the property.	
13	[D.]	E.	(1)	"Residential property" means:		
14 15	of 2 acres;		(I)	A reside	entially zoned and developed lot containing a maximum	
16 17	(II) Any property that has one of the following residential base zone zoning classifications as provided for in the 1992 Charles County Zoning Ordinance:					
18				1.	RL;	
19				2.	RM;	
20				3.	RH;	
21				4.	RV;	
22				5.	RR;	
23				6.	[PLTD] PUD; or	
24				7.	WPC; or	
25 26	developmen	t.	(III)	Any unc	developed land of 10 acres or less within a clustered	
27		(2)	"Resider	ntial prop	perty" does not include land used for farming.	
28	85-2.					
31	The following conditions on residential property are declared to be unhealthy and unsightly conditions constituting public nuisances that endanger the life, health, safety, and welfare of the entire county by affording a breeding place for or attracting insects, rodents, or reptiles, BY FAILING TO EXERCISE REASONABLE CARE AND					

35

36

C.

(2)

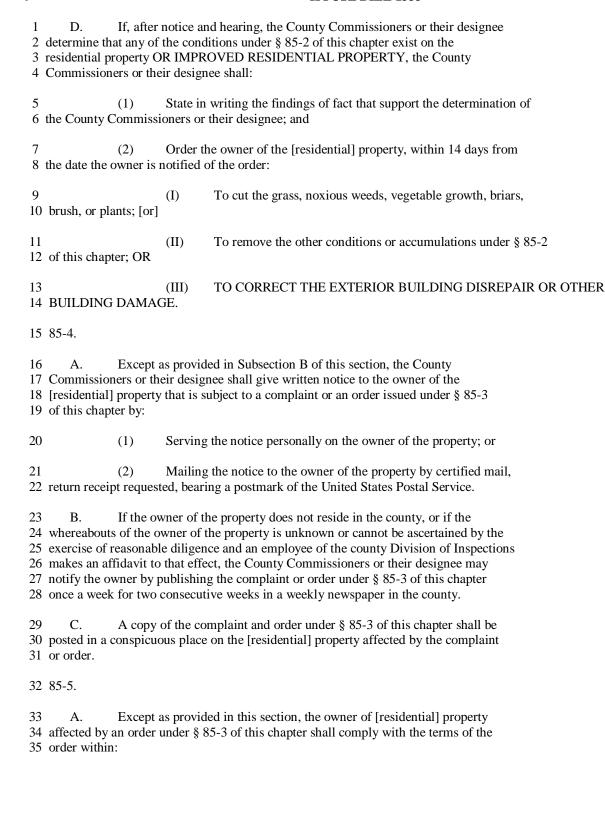
37 hearings under this section.

HOUSE BILL 1333 1 MAINTENANCE OF STRUCTURAL IMPROVEMENTS LOCATED ON IMPROVED 2 RESIDENTIAL PROPERTY, or [that otherwise create] BY CREATING a substantial risk 3 of danger to THE GENERAL PUBLIC WELFARE, [health] HEALTH, or safety through 4 disease, fire, safety hazards, CRIME, COMMUNITY DEGRADATION, or other means: 5 Accumulations of scrap, paper, junk, vehicle parts, trash, garbage, (1) 6 leaves, cans, vessels, broken bottles, pieces of china, glass, debris, or other waste 7 matter of any kind; 8 (2)Grass, noxious weeds, uncultivated vegetable growth, briars, brush 9 and plants that are more than one foot in height; [and] Grease or oil: OR 10 (3) 11 ON IMPROVED RESIDENTIAL PROPERTY, EXTERIOR BUILDING 12 DISREPAIR, INCLUDING BROKEN WINDOWS, FLAKING PAINT, BROKEN SHUTTERS OR 13 RAINSPOUTS, OR OTHER BUILDING DAMAGE THAT EVIDENCES A GENERAL 14 DISREGARD FOR THE REASONABLE CARE AND MAINTENANCE OF THE IMPROVED 15 RESIDENTIAL PROPERTY. 16 85-3. 17 If three separate landowners from the same election district in the county A. 18 or a landowner's association send written complaints to the County Commissioners or 19 their designee charging that any of the conditions under § 85-2 of this chapter exist 20 on residential property OR IMPROVED RESIDENTIAL PROPERTY in the same election 21 district or if, in the judgment of the County Commissioners or their designee, any of 22 the conditions under § 85-2 of this chapter on residential property OR IMPROVED 23 RESIDENTIAL PROPERTY become a nuisance or affect the public health and comfort of 24 residents of the county, the County Commissioners or their designee shall issue a 25 complaint to the owner of the residential property OR IMPROVED RESIDENTIAL 26 PROPERTY: 27 Stating the charges alleged; and (1) 28 Containing a notice that a hearing will be held before the County (2) 29 Commissioners or their designee not less than four days nor more than 30 days after 30 the serving of the complaint. The owner of the residential property OR IMPROVED RESIDENTIAL 31 32 PROPERTY subject to a complaint under Subsection A of this section and other parties 33 in interest to the property shall have the right: 34 (1) To file an answer to the complaint; and

To appear in person or otherwise and give testimony at the hearing.

The Maryland Rules of Procedure do not apply and are not controlling in

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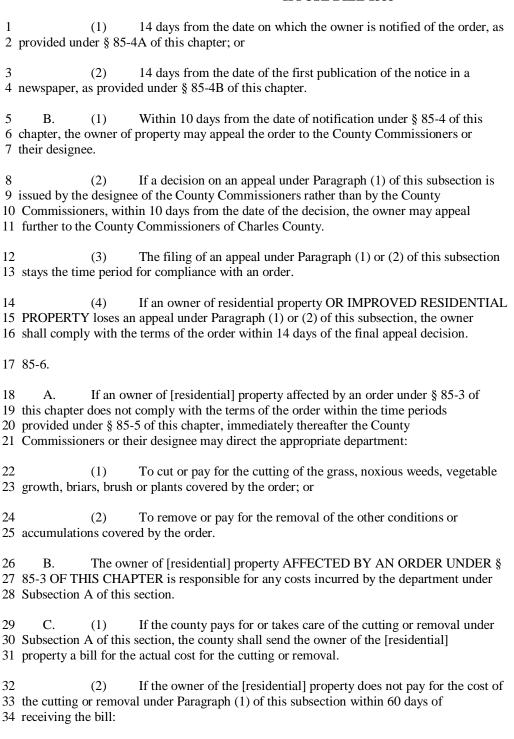


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36 property; and

(a)

The cost of the cutting or removal shall constitute a lien on the



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- 1 (b) The County Treasurer shall charge the owner of the
- 2 [residential] property with the cost of the cutting or removal, plus interest at the rate
- 3 of 10 percent per year from the date of the cutting or removal, on the next regular
- 4 property tax bill sent to the owner.
- 5 (3) The owner of the [residential] property shall pay the charges under
- 6 Paragraph (2) of this subsection at the same time required for payment of property
- 7 taxes in the county.
- 8 SECTION 2. AND BE IT FURTHER ENACTED. That this Act shall be
- 9 construed only prospectively and may not be applied or interpreted to have any effect
- 10 on or application to any action for a public nuisance in Charles County before the
- 11 effective date of this Act.
- 12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 13 October 1, 2000.